

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:)	
)	
Oliver, et al.)	Confirmation No. 1299
)	
Serial No.: 10/815,511)	Examiner: Dady Chery
)	Group Art Unit: 2616
Filed: April 1, 2004)	
)	
For: Use of Nodes to Monitor or Manage)	HP Docket No.: 300203615-4
Peer to Peer Networks)	TKHR Docket No.: 50850-1950
)	

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed January 27, 2009, responding to the second final Office Action mailed October 27, 2008.

I. REAL PARTY IN INTEREST

The real party in interest of the instant application is Hewlett-Packard Development Company, a Texas Limited Liability Partnership having its principal place of business in Houston, Texas.

II. RELATED APPEALS AND INTERFERENCES

Appellant does not believe there are related appeals or interferences, such that the outcome of this appeal will affect or be affected by the outcome of other appeals. Appellant does note, however, that U.S. patent application serial number 10/815,512 has some subject matter overlap with the present application. Also, the FINAL Office Action has referenced co-pending application 10/815,512, which was used to form a double patenting rejection of pending claims of this application.

III. STATUS OF THE CLAIMS

Claims 1-4 and 11-26 are pending in this application, were rejected by the second final Office Action, and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

There have been no claim amendments made after the second final Office Action, and all amendments made before the final Office Action have been entered. The claim listing in section VIII. CLAIMS – APPENDIX (below) represents the present state of the claims.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Embodiments of the claimed subject matter are summarized below with reference numbers and references to the written description ("specification") and drawings. The subject matter described below appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Embodiments according to independent claim 1 involve a method performed by a first computer entity (FIG. 4; page 16, line 6, "local peer computer entity"). The method comprises operating a peer to peer protocol (FIG. 4, core services 404 overlay services; page 10, lines 23-29) for enabling said first computer entity to utilize a resource of a second computer entity (page 16, line 6, "target computer entity") in a peer to peer network (page 5, lines 17-21), and for enabling said second computer entity to utilize a resource of said first computer entity in said peer to peer network (page 5, lines 17-21). The method further comprises operating a process (FIG. 4, core services 404 network management; FIG. 9, steps 900-906; page 16, line 6, - page 17, line 2) for managing said second computer entity, wherein said process utilizes said resource of said first computer entity, and is invoked when said resource of said first computer entity is not being used by a service application at a higher level layer than said peer to peer protocol. (page 10, lines 4-7).

Embodiments according to independent claim 11 involve a first computer entity (FIG. 4, page 16, line 6, "local peer computer entity"). The first computer entity comprises a peer to peer networking component (FIG. 4, core services 404 overlay services; page 10, lines 24-29) for allowing said first computer entity to engage other computer entities on a peer to peer basis. The first computer entity further comprises a network management component (FIG. 4, core services 404 network management; FIG. 9, steps 900-906; page 16, line 6-page 17, line 2) for enabling said first computer entity to participate in management of a peer to peer network, wherein said network management component operates a process for managing a second computer entity (page 16, line 6, "target computer entity") in said peer to peer network, and wherein said process utilizes a resource of said first computer entity, and is invoked when said resource is not being used by a service application at a higher level layer than said peer to peer protocol (page 10, lines 4-7).

Embodiments according to independent claim 16 involve a data storage media comprising program data for controlling a first computer entity (FIG. 4; page 16, line 6, "local peer computer entity") to perform a method that includes: operating a peer to peer protocol (page 9, lines 19-20, "peer to peer protocol software"; FIG. 4, core services 404 overlay services; page 10, lines 23-29) for enabling said first computer entity to utilize a resource of a second computer entity (page 16, line 6, "target computer entity") in a peer to peer network (page 5, lines 17-21), and for enabling said second computer entity to utilize a resource of said first computer entity in said peer to peer network (page 5, lines 17-21); operating a process (page 9, line 20, "network management service program"; FIG. 4, core services 404 network management; FIG. 9, steps 900-906; page 16, line 6 - page 17, line 2) for managing said second computer entity, wherein said process utilizes said resource of said first computer entity,

and is invoked when said resource of said first computer entity is not being used by a service application at a higher level layer than said peer to peer protocol (page 10, lines 4-7).

Embodiments according to independent claim 17 involve a method performed by a first computer entity (FIG. 4; page 16, line 6, "local peer computer entity") having a set of computer resources (FIG. 4, resources 401); and a higher level service provided by a service application (FIG. 4, higher level services 403). The method comprises operating a peer to peer protocol (FIG. 4, core services 404 overlay services; page 10, lines 23-29) for enabling said first computer entity to utilize a resource of a second computer entity (page 16, line 6, "target computer entity") in a peer to peer network (page 5, lines 17-21), and for enabling said second computer entity to utilize a resource of said computer entity (page 5, lines 17-21). The method further comprises operating a process (FIG. 4, core services 404 network management; FIG. 9, steps 900-906; page 16, line 6 – page 17, line 2) for managing said second computer entity, wherein said process utilizes said set of computing resources, and is invoked when said set of computing resources is not being used by said service application at a higher level layer than said peer to peer protocol (page 10, lines 4-7).

Embodiments according to independent claim 19 involve a method performed by a first computer entity (FIG. 4; page 16, line 6, "local peer computer entity"). The method comprises operating a peer to peer protocol (FIG. 4, core services 404 overlay services; page 10, lines 23-29) for enabling said first computer entity to utilize a resource of a second computer entity (page 16, line 6, "target computer entity") in a peer to peer network (page 5, lines 17-21), and for enabling said second computer entity to utilize a resource of said first computer entity in said peer to peer network (page 5, lines 17-21). The method further comprises operating a process (FIG. 4, core services 404 network management; FIG. 9, steps 900-906; page 16, line 6 – page

17, line 2) for managing said second computer entity, in response to receipt of a service request (page 10, lines 6-7) from a third computer entity (page 16, line 17, "other computer entities") in said peer to peer network.

Embodiments according to independent claim 20 involve a first computer entity (FIG. 4; page 16, line 6, "local peer computer entity") comprising a peer to peer networking component (FIG. 4, core services 404 overlay services; page 10, lines 24-29) for allowing said first computer entity to engage other computer entities on a peer to peer basis. The first computer entity also comprises a network management component (FIG. 4, core services 404 network management; FIG. 9, steps 900-906; page 16, line 6 – page 17, line 2) for enabling said first computer entity to participate in management of a peer to peer network. The network management component operates a process for managing a second computer entity (page 16, line 6, "target computer entity") in said peer to peer network, in response to receipt of a service request (page 10, lines 6-7 from a third computer entity (page 16, line 17, "other computer entities") in said peer to peer network.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are to be reviewed on appeal.

A. Claims 1-3 and 11-26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Pabla et al.* (U.S. Patent 7,127,613, hereinafter *Pabla et al.*) in view of Shen (Adaptive Autonomous Management of Ad hoc Network 2002 IEEE, hereinafter *Shen*).

B. Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Pabla et al.* in view of *Gleichauf et al.* (U.S. 7,137,145, hereinafter *Gleichauf et al.*) and further in view of *Golle* (Incentives for Sharing in Peer-to-Peer Networks, 2001, Computer Science Department, Stanford University, hereinafter *Golle*).

VII. ARGUMENT

A. Rejection of Claims 1-3 and 11-26 under 35 U.S.C. §103: *Pabla et al.* in view *Shen*

1. Independent Claim 1

Appellant submits that a *prima facie* case of obviousness for claim 1 has not been established using the references of record, for at least the following reasons. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest (either implicitly or explicitly) all elements/features/steps of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Currently pending independent claim 1 recites:

1. A method performed by a first computer entity, said method comprising:
operating a peer to peer protocol for enabling said first computer entity to utilize a resource of a second computer entity in a peer to peer network, and for enabling said second computer entity to utilize a resource of said first computer entity in said peer to peer network; and
operating a process for managing said second computer entity,
wherein said process utilizes said resource of said first computer entity,
and is ***invoked when said resource of said first computer entity is not being used by a service application at a higher level layer than said peer to peer protocol.***

(*Emphasis added*). With reference to independent claim 1, the second final Office Action alleges that *Pabla* in view of *Shen* discloses the elements of claim 1 in the following (reproduced below in its entirety):

"Regarding claim 1, *Pabla* discloses a method performed by a first computer entity (Figs. 1A and 1B):

Operating a peer to peer protocol for enabling said first computer entity to utilize a resource of a second computer entity of in (*sic*) a peer to peer network, and for enabling said second computer entity to utilize a resource of said first computer entity in said peer to peer network (col. 13, lines 17-23; col. 19, lines 32-39; col. 20, lines 33-43.); wherein said process utilizes said resource of said first computer entity takes part in said peer to peer network using said peer to peer protocol (Fig. 13; col. 18, lines 17-32 in combination with col. 20, lines 44-63 and lines 33-43), illustrates by means a vote, automatically, a peer represents to manage the other computers. Also each of the peers has its own content

management services 222 to manage and facilitate content sharing using the peer group sharing protocol (col. 21, lines 13-16).

Pabla does not explicitly teach operating a process, in cooperation with a computer entity of said peer to peer network, for managing said second computer entity.

However, Shen teaches the peer devices or nodes collaborate to manage each other (page 2, paragraph 2, lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the technique of Shen that teaches nodes collaborate to manage each other into the peer-to-peer network of Pabla in order to be able to make intelligent decisions based on network situations and conserve bandwidth."

As quoted above in its entirety (with respect to claim 1), the second final Office Action **fails to address** the above emphasized element of claim 1. More specifically, the Office Action is unable to locate in any of the cited references a process that utilizes the resource of the first computer entity, and is ***invoked when said resource of said first computer entity is not being used by a service application at a higher level layer than said peer to peer protocol.*** Instead, the Office Action cites generally the *Pabla* and *Shen* references without specifically addressing all limitations of the claim. As established in the previously filed appeal brief prior to the subsequent reopening of prosecution in the instant application, the *Pabla* reference fails to disclose, teach or suggest a process utilizing the resource of another computer entity that is invoked when the resource is not being used by a service application at a higher level layer than the peer to peer protocol.

Additionally, Appellants have thoroughly reviewed all three pages of the *Shen* reference and respectfully submit that it likewise fails to disclose, teach or suggest a process utilizing the resource of another computer entity that is invoked when the resource is not being used by a service application at a higher level layer than the peer to peer protocol. Accordingly, Appellant respectfully submits that the cited art of record fails to disclose, teach, or suggest all elements required by claim 1, and respectfully submit that its rejection be overturned.

2. Dependent Claims 2-3

Since independent claim 1 is allowable, Appellant respectfully submits that dependent **Error! Reference source not found.-3** are allowable for at least the reason that they depend from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Appellant requests that the rejection of **Error! Reference source not found.-3** be overturned.

3. Claims 11, 16-17

With reference to independent claims 11, 16-17, the second final Office Action alleges that *Pabla* in view of *Shen* discloses the elements of the claims because the “claims include features corresponding to the subject matter mentioned above to the rejected claim 1, and is applied thereto.”

Accordingly, Appellants reiterate that the second final Office Action **fails to address** the above emphasized element of claim 1, for which analogous limitations appear in claims 11, 16-17. More specifically, the Office Action is unable to locate in any of the cited references process or logic that utilizes the resource of the first computer entity, and is **invoked when said resource of said first computer entity is not being used by a service application at a higher level layer than said peer to peer protocol**. Instead, the Office Action cites generally the *Pabla* and *Shen* references without specifically addressing all limitations of the claim. As established in the previously filed appeal brief prior to the subsequent reopening of prosecution in the instant application, the *Pabla* reference fails to disclose, teach or suggest a process utilizing the resource of another computer entity that is invoked when the resource is not being used by a service application at a higher level layer than the peer to peer protocol.

Additionally, Appellants have thoroughly reviewed all three pages of the *Shen* reference and respectfully submit that it likewise fails to disclose, teach or suggest a process utilizing the

resource of another computer entity that is invoked when the resource is not being used by a service application at a higher level layer than the peer to peer protocol. Accordingly, Appellant respectfully submits that the cited art of record fails to disclose, teach, or suggest all elements required by claims 11, 16-17, and respectfully submit that its rejections be overturned.

4. Claims 12-15

Since independent claim 1 is allowable, Appellant respectfully submits that dependent claims 12-15 are allowable for at least the reason that they depend from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Appellant requests that the rejection of claims 12-15 be overturned.

5. Claim 18

Since independent claim 17 is allowable, Appellant respectfully submits that dependent claim 18 is allowable for at least the reason that it depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Appellant requests that the rejection of claim 18 be overturned.

6. Claim 21, 22, 23, and 24

Claims 21, 22, 23, and 24 depend from claims 1, 11, 16, and 17, respectively. Accordingly, because they depend from allowable independent claims, Appellant respectfully submits that the claims are allowable for at least the reason that they depend from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Appellant requests that the rejection of claims 21-24 be overturned.

7. Claim 19

Appellant submits that a *prima facie* case of obviousness for claim 19 has not been established using the references of record, for at least the following reasons. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest (either implicitly or explicitly) all elements/features/steps of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Currently pending independent claim 19 recites:

19. A method performed by a first computer entity, said method comprising:
operating a peer to peer protocol for enabling said first computer entity to utilize a resource of a second computer entity in a peer to peer network, and for enabling said second computer entity to utilize a resource of said first computer entity in said peer to peer network; and
operating a process for managing said second computer entity, in response to receipt of a service request from a third computer entity in said peer to peer network.

(*Emphasis added*). With respect to claim 19, the second final Office Action states the following:

Regarding claim 19, Pabla discloses a method for controlling a computer entity to participate in a peer to peer network of a plurality of computer entities (Fig. 6 and Col. 13, lines 6-13), said method comprising:

Operating a peer to peer protocol for enabling said computer entity to utilize resources of at least one other said computer entity of said network, and for enabling at least one other said computer entity of said network to utilize resources of said computer entity (Col. 13, lines 17-25 and Col. 19, lines 32-40).

Operating said process for managing at least one other computer entity, in response to receipt of a service request from a third computer entity in said peer to peer network (Fig. 13, Col. 20, lines 44-Col. 21, lines 16).

Pabla does not explicitly teach operating a process, in cooperation with a third computer entity of said peer to peer network, for managing said second computer entity.

However, Shen teaches the peer devices or nodes collaborate to manage each other (page 2, paragraph 2, lines 4-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the technique of Shen that teaches nodes collaborate to manage each other into the peer-to-peer network of Pabla in order to be able to make intelligent decisions based on network situations and conserve bandwidth.

Appellants respectfully disagree. The architecture disclosed in the *Shen* reference fails to contemplate a peer-to-peer protocol. Accordingly, as a preliminary matter, the reference is not analogous to the claimed invention. Secondly, the architecture disclosed in the *Shen* reference does not contemplate peer-to-peer management of computer entities. In other words, the reference fails to disclose ***managing a second computer entity, in response to receipt of a service request from a third computer entity in a peer to peer network***. In contrast, the reference discloses a top level manager node that manages a plurality of agent nodes. See, *Shen*, page 2, Figure 1(a). Accordingly, Appellants submit that the cited art fails to disclose, teach or suggest claim 19. Therefore, Appellants request that the rejection of claim 19 be overturned.

8. Claim 20

Appellant submits that a *prima facie* case of obviousness for claim 20 has not been established using the references of record, for at least the following reasons. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest (either implicitly or explicitly) all elements/features/steps of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Currently pending independent claim 20 recites:

20. A first computer entity comprising:
 - a peer to peer networking component for allowing said first computer entity to engage other computer entities on a peer to peer basis; and
 - a network management component for enabling said first computer entity to participate in management of a peer to peer network,
wherein said network management component operates a process for managing a second computer entity in said peer to peer network, in response to receipt of a service request from a third computer entity in said peer to peer network.

(*Emphasis added*). With respect to the above emphasized element of claim 20, the second final Office Action recites:

Pabla does not teach operating a process, in cooperation with a third computer entity of said peer to peer network, for managing said second computer entity.

However, Shen teaches the peer devices or nodes collaborate to manage each other (page 2, paragraph 2, lines 4-12).

Appellants respectfully disagree. The architecture disclosed in the *Shen* reference fails to contemplate a peer-to-peer protocol. Accordingly, as a preliminary matter, the reference is not analogous to the claimed invention. Secondly, the architecture disclosed in the *Shen* reference does not contemplate peer-to-peer management of computer entities. In other words, the reference fails to disclose ***managing a second computer entity, in response to receipt of a service request from a third computer entity in a peer to peer network***. In contrast, the reference discloses a top level manager node that manages a plurality of agent nodes. See, *Shen*, page 2, Figure 1(a). Accordingly, Appellants submit that the cited art fails to disclose, teach or suggest claim 20. Therefore, Appellants request that the rejection of claim 20 be overturned.

9. Claims 25-26

Claims 25 and 26 depend from claims 19 and 20, respectively. Accordingly, because they depend from allowable independent claims, Appellant respectfully submits that the claims are allowable for at least the reason that they depend from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Appellant requests that the rejection of claims 25 and 26 be overturned.

B. Rejection of Claim 4 under 35 U.S.C. §103: *Pabla et al.* in view *Shen* in view of *Gleichauf* and further in view of *Golle*

Since independent claim 1 is allowable, Appellant respectfully submits that dependent claim 4 is allowable for at least the reason that it depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Appellant requests that the rejection of claim 4 be overturned.

C. Additional Issues Raised in FINAL Action, Not Subject to this Appeal

The foregoing arguments fully address the issues on this appeal. Appellants note that the other issues raised in the second FINAL Office Action will be addressed after the conclusion of this appeal. The Office Action provisionally rejected a number of claims on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims of copending application 10/815,512. This rejection will be addressed by the Appellants after the resolution of this appeal (e.g., by claim amendment or by submission of a terminal disclaimer).

D. Conclusion

For at least the reasons discussed above, Appellant respectfully requests that the Examiner's final rejection of claims 1-4 and 11-26 be overturned by the Board. In addition to the claims listed in Section VIII (CLAIMS – APPENDIX), Section IX (EVIDENCE – APPENDIX) included herein indicates that there is no additional evidence relied upon by this brief.

Respectfully submitted,

By: /arr/

Arvind R. Reddy; Reg. No. 63,007

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

600 Galleria Parkway, NW
Suite 1500
Atlanta, Georgia 30339-5948
Tel: (770) 933-9500
Fax: (770) 951-0933

VIII. CLAIMS – APPENDIX

1. A method performed by a first computer entity, said method comprising:
operating a peer to peer protocol for enabling said first computer entity to utilize a resource of a second computer entity in a peer to peer network, and for enabling said second computer entity to utilize a resource of said first computer entity in said peer to peer network;
and
operating a process for managing said second computer entity,
wherein said process utilizes said resource of said first computer entity, and is invoked when said resource of said first computer entity is not being used by a service application at a higher level layer than said peer to peer protocol.
2. The method as claimed in claim 1, wherein said process comprises:
determining a policy by which said first computer entity will interact with said second computer entity.
3. The method as claimed in claim 1, wherein said process comprises:
adopting a policy towards said second computer entity, wherein said policy is selected from a set of pre-determined policies for determining a relationship between said first computer entity and said second computer entity.
4. The method as claimed in claim 1, wherein managing said computer entity comprises a process selected from the group consisting of:
placing said second computer entity in quarantine;

controlling access by said second computer entity to a communal resource stored on said first computer entity; and

applying a charge for utilization by said at least one other computer entity of a communal resource.

5 – 10. (cancelled)

11. A first computer entity comprising:

a peer to peer networking component for allowing said first computer entity to engage other computer entities on a peer to peer basis; and

a network management component for enabling said first computer entity to participate in management of a peer to peer network,

wherein said network management component operates a process for managing a second computer entity in said peer to peer network, and

wherein said process utilizes a resource of said first computer entity, and is invoked when said resource is not being used by a service application at a higher level layer than said peer to peer protocol.

12. The first computer entity as claimed in claim 11, wherein said network management component is activated whenever said peer to peer networking component is operational.

13. The first computer entity as claimed in claim 11, wherein said network management computer comprises program data that controls said resource to perform a network management service.

14. The first computer entity as claimed in claim 11, wherein said network management component applies a policy for determining a mode of operation of said first computer entity in relation to said second computer entity.

15. The first computer entity as claimed in claim 11, wherein said network management component operates to:

communicate with a plurality of other computer entities of said network for sending and receiving policy data concerning an operational policy towards said second computer entity; and
determine, from a consideration of policy data received from said other computer entities, a global policy to be adopted by each computer entity in said network, towards a said second computer entity.

16. A data storage media comprising:

program data for controlling a first computer entity to perform a method that includes:
operating a peer to peer protocol for enabling said first computer entity to utilize a resource of a second computer entity in a peer to peer network, and for enabling said second computer entity to utilize a resource of said first computer entity in said peer to peer network;
and

operating a process for managing said second computer entity,
wherein said process utilizes said resource of said first computer entity, and is invoked when said resource of said first computer entity is not being used by a service application at a higher level layer than said peer to peer protocol.

17. A method performed by a first computer entity having:
- a set of computing resources; and
 - a higher level service provided by a service application, said method comprising:
 - operating a peer to peer protocol for enabling said first computer entity to utilize a resource of a second computer entity in a peer to peer network, and for enabling said second computer entity to utilize a resource of said computer entity; and
 - operating a process for managing said second computer entity,
 - wherein said process utilizes said set of computing resources, and is invoked when said set of computing resources is not being used by said service application at a higher level layer than said peer to peer protocol.
18. The method as claimed in claim 17, wherein said first computer entity automatically operates said process, in response to receipt of a service request from a third computer entity in said peer to peer network.
19. A method performed by a first computer entity, said method comprising:
- operating a peer to peer protocol for enabling said first computer entity to utilize a resource of a second computer entity in a peer to peer network, and for enabling said second computer entity to utilize a resource of said first computer entity in said peer to peer network; and
 - operating a process for managing said second computer entity, in response to receipt of a service request from a third computer entity in said peer to peer network.

20. A first computer entity comprising:

a peer to peer networking component for allowing said first computer entity to engage other computer entities on a peer to peer basis; and

a network management component for enabling said first computer entity to participate in management of a peer to peer network,

wherein said network management component operates a process for managing a second computer entity in said peer to peer network, in response to receipt of a service request from a third computer entity in said peer to peer network.

21. The method of claim 1, wherein said process includes considering whether said second computer entity allows said first computer entity to utilize said resource of said second computer entity.

22. The first computer entity of claim 11, wherein said process considers whether said second computer entity allows said first computer entity to utilize a resource of said second computer entity.

23. The data storage media of claim 16, wherein said process considers whether said second computer entity allows said first computer entity to utilize said resource of said second computer entity.

24. The method of claim 17, wherein said process considers whether said second computer entity allows said first computer entity to utilize said resource of said second computer entity.

25. The method of claim 19, wherein said process considers whether said second computer entity allows said first computer entity to utilize said resource of said second computer entity.

26. The first computer entity of claim 20, wherein said process considers whether said second computer entity allows said first computer entity to utilize said resource of said second computer entity.

IX. EVIDENCE – APPENDIX

None.

X. RELATED PROCEEDINGS – APPENDIX

Appellant does not believe there are related appeals or interferences, such that the outcome of this appeal will affect or be affected by the outcome of other appeals. Appellant does note, however, that U.S. patent application serial number 10/815,512 has some subject matter overlap with the present application. Also, the FINAL Office Action has referenced co-pending application 10/815,512, which was used to form a double patenting rejection of pending claims of this application.